IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Crl.Rev.Pet.No. 216 of 2000()

CMP.6350/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, ATTINGAL

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REVN. PETITIONER:

PRAKASH, S/O.SADANANDAN,
AKASH BHAVAN, VALIYA KUNNU,
CHITTATTINKARA DESOM,
AVANAVANCHERRY VILLAGE,
ATTINGAL.

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO.1252/2000 IN CRL.R.P.NO.216/2000

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

16/10/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

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Crl.R.P.No.216 of 2000

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Dated this the 16th day of October, 2007

O R D E R

The revision petitioner is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The court below as per the impugned order dismissed the complaint at the threshold observing that it is evident from the sworn statement that the complainant had claimed interest at the rate of 36%.

2. I find that the order of the court below cannot be sustained as the matter has to be tried and decided. It is only on the basis of the sworn statement that he had claimed interest at the rate of Rs.3/- per 100 rupees per month which is the agreed rate as per the complainant that the complaint happened to be dismissed. The order of the court below is set aside. The court below is directed to take the matter into the file and issue process to the accused. The matter will stand posted before the court below on 19/11/2007. The criminal revision petition is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.216 of 2000

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O R D E R

16th October, 2007